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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,514	02/21/2001	Yukihiro Abiko	826.1680/JDH	7937

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EXAMINER

AZAD, ABUL K

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,514

Applicant(s)

ABIKO ET AL.

Examiner

ABUL K. AZAD

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 are pending in this Office Action.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 7-10, 14-17 and 21-22 rejected under 35 U.S.C. 102(b) as being anticipated by Okada et al. (US 5,809,454).

As per claim 1, Okada teaches, "a data reproduction device for reproducing compressed multimedia data, including audio data", comprising:

"an extraction unit extracting a frame, which is unit data of the audio data" (Fig. 1, element 34, frame memory);

"a conversion unit thinning out the frame of the audio data or repeatedly outputting the frame" (Fig. 1, element 3, MPEG audio decoder); and

"a reproduction unit decoding the frame of the audio data received from the conversion unit and reproducing voice" (Fig. 1, element 35, voice speed converter).

As per claim 2, Okada teaches, “a data reproduction device for reproducing compressed multimedia data, including audio data and also converting reproduction speed without decoding compressed audio data”, comprising:

“an extraction unit extracting a frame, which is unit data of the audio data” (Fig. 1, element 34, frame memory);

“a setting unit setting the reproduction speed of the audio data” (Fig. 1, element 2, playback speed detector);

“a speed conversion unit thinning out the frame of the audio data or repeatedly outputting the frame” (Fig. 1, element 3, MPEG audio decoder); and

“a reproduction unit decoding the frame of the audio data received from the speed conversion unit and reproducing voice” (Fig. 1, element 35, voice speed converter).

As per claim 3, Okada teaches, “wherein the audio data are MPEG audio data” (col. 5, lines 48-64).

As per claim 7, Okada teaches, “which receives multimedia data, including both video data and audio data” (col. 5, lines 48-64), further comprising:

“a separation unit breaking down the multimedia data into both video data and audio data” (Fig. 1, element 13, DMUX);

“a decoding unit decoding the video data” (Fig. 1, element 12, MPEG video decoder); and

Art Unit: 2654

“a video reproduction unit reproducing the video data” (Fig. 1, element 22, display).

As per claim 8, Okada teaches, “wherein each piece of the video data and audio data is structured as MPEG data” (col. 5, lines 48-63).

As per claims 9, 10, 14-17, 21 and 22, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 2, 3, 7 and 8.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6, 11-13 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada et al. (US 5,809,454) as applied to claims 3, 10 and 17 above, and further in view of Applicant's admitted prior art.

As per claim 4, Okada teaches a speech length compressor/expander (Fig.2, element 43). Okada does not explicitly teach “a scale factor extraction unit extracting a scale factor included in the frame; a calculation unit calculating the scale factor; and a control unit comparing a calculation result of the calculation unit with a prescribed threshold value and controlling not to transmit a corresponding frame to said reproduction unit if the calculation result is smaller than the threshold value”. However,

Applicant's admission teaches "a scale factor extraction unit extracting a scale factor included in the frame; a calculation unit calculating the scale factor; and a control unit comparing a calculation result of the calculation unit with a prescribed threshold value and controlling not to transmit a corresponding frame to said reproduction unit if the calculation result is smaller than the threshold value" (see specification Pages 1-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use well-known teaching according to standard so that an audio can be produced a perceptual quality according to standard.

As per claim 5, Okada does not explicitly teach, "wherein said calculation unit calculates total of a plurality of scale factors included in the frame". However, Applicant's admitted prior art teaches, "wherein said calculation unit calculates total of a plurality of scale factors included in the frame" (see specification Pages 1-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use well-known teaching according to standard so that an audio can be produced a perceptual quality according to standard.

As per claim 6, Okada does not explicitly teach, "a scale factor conversion unit generating a scale factor conversion coefficient for compensating for a discontinuous fluctuation of an acoustic pressure caused in a joint between frames, calculating the scale factor and scale factor conversion coefficient and inputting them as data to be decoded to said reproduction unit if a plurality of scale factors included in the frame are

Art Unit: 2654

reproduced by said reproduction unit". However, Applicant's admitted prior art teaches, "a scale factor conversion unit generating a scale factor conversion coefficient for compensating for a discontinuous fluctuation of an acoustic pressure caused in a joint between frames, calculating the scale factor and scale factor conversion coefficient and inputting them as data to be decoded to said reproduction unit if a plurality of scale factors included in the frame are reproduced by said reproduction unit" (see specification Pages 1-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use well-known teaching according to standard so that an audio can be produced a perceptual quality according to standard.

As per claims 11-13, 18-20, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 4-6.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

Application/Control Number: 09/788,514
Art Unit: 2654

Page 7

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9314

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington,
VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should
be directed to the Technology Center's Customer Service Office at telephone number

(703) 306-0377.


Abul K. Azad

July 11, 2004